

JOURNAL OF THE SENATE

Friday, April 25, 1941

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Thursday, April 24, 1941.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kan-ner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Price, Rose, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, April 24, 1941, was corrected as follows:

On page 17, column 2, strike out lines 15, 16, and 17, counting from bottom of column and insert in lieu thereof the following:

"And House Bill No. 257, contained in the above message, was read the first time by title only.

Senator Housholder moved that House Bill No. 257 be referred to the Committee on Public Utilities.

Which was agreed to and it was so ordered."

And as corrected was approved.

REPORTS OF COMMITTEES

Senate Chamber
Tallahassee, Fla., April 24, 1941.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 255:

A bill to be entitled An Act to provide that whenever the constitutionality of a Statute of this State affecting the public interest is questioned in any State Court, such fact shall be certified by such Court to the Attorney General, and providing that in such case the State shall be permitted to intervene and become a party for presentation of evidence and argument on the question of such constitutionality, and repealing all laws and parts of laws in conflict herewith.

Very respectfully,

PHILIP D. BEALL,
Chairman of Committee.

And Senate Bill No. 255, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber
Tallahassee, Fla., April 24, 1941.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 256:

A bill to be entitled An Act relating to and providing for service of process by publication in judicial proceedings; for the entering of decrees pro confesso and defaults thereon; for the appointing of guardians ad litem; for the promulgation and adoption of Court rules in connection therewith; and for the repeal of Sections 2609, 2610, 3111, 3112, 3113, 3114, 3115, 3154, 3155, 3156, 3423 and 3453, of the Revised General Statutes of Florida; Chapters 8465 and 8467, Acts of 1921; Chapter 9319, Acts of 1923; Chapter 10102 as amended and Chapter 11364, Acts 1925; Sections 5, 6, 7 and 8 of Chapter 11829, Acts 1927; and Chapter 16881, Acts 1935, and repealing all other laws and parts of laws in conflict herewith.

Very respectfully,

PHILIP D. BEALL,
Chairman of Committee.

And Senate Bill No. 256, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber
Tallahassee, Fla., April 23, 1941.

Senator Folks, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 127:

A bill to be entitled An Act authorizing the County Commissioners of any County to cooperate with the Florida Board of Forestry in the employment of a County Forester, and prescribing his duties.

Very respectfully,

A. B. FOLKS,
Chairman of Committee

And Senate Bill No. 127, contained in the above report, was referred to the Committee on Forestry and Parks under joint reference.

Senate Chamber
Tallahassee, Fla., April 23, 1941.

Senator Folks, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following bill and recommends that the same do not pass.

Senate Bill No. 2:

A bill to be entitled An Act finding and declaring that the conservation of the surface waters and the raising of the level of the water table in the State of Florida, where the same may be necessary, is in the interest of the public welfare; authorizing the Boards of County Commissioners of the several Counties of the State to conserve the surface waters in the several Counties; providing authority in the Boards of County Commissioners of the several Counties of the State to erect and maintain dams, gates and other barriers and devices for controlling and conserving the flow of surface waters in any natural or artificial outlet or drainage prohibiting the unauthorized interference with any dam, gate or other barrier or device so erected and providing the punishment and penalty therefor; providing a remedy for the relief or redress by the owner or any other person having an interest in and to any lands which may be damaged or subject to damage as a result of the erection and maintenance of such gates or dams; providing for the payment of the costs of erecting and maintaining such devices for the control and conservation of the flow of surface waters; authorizing the Boards of County Commissioners of the several Counties of the State, after due notice, to suspend the right to the further drainage of swamps, marshes, lakes and other natural bodies of surface waters; and repealing all laws in conflict herewith.

Very respectfully,

A. B. FOLKS,
Chairman of Committee

And Senate Bill No. 2, contained in the above report, was laid on the table.

Senator Whitaker, Chairman of the Committee on Judiciary "C", submitted the following report:

Senate Chamber
Tallahassee, Fla., April 24, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Committee on Judiciary "C," to whom was referred

Senate Bill No. 85:

A bill to be entitled An Act authorizing each of the Circuit Judges and State Attorney of the Fourteenth Judicial Circuit of Florida to employ a stenographer; fixing their term of employment; and providing for payment of compensation of such stenographers out of the appropriation for the necessary and regular expenses of the Judicial Department.

Have had the same under consideration, and recommends that the same pass.

Very respectfully,

PAT WHITAKER,
Chairman of Committee

April 25, 1941

JOURNAL OF THE SENATE

165

And Senate Bill No. 85, contained in the above report, was referred to the Committee on Appropriations under the joint reference.

Senate Chamber
Tallahassee, Fla., April 24, 1941.

Senator Shands, Chairman of the Committee on State Institutions, reported that the Committee had carefully considered the following bills and recommends that they pass.

Senate Bill No. 245:

A bill to be entitled An Act to designate as Depositories of Published State Documents the General Libraries of Colleges and Universities in this State offering courses leading to a Baccalaureate degree.

And—

Senate Bill No. 246:

A bill to be entitled An Act to provide for the enlargement, alteration, repair, equipment and furnishing of the south wing of the Capitol, and making an appropriation for such purposes.

Very respectfully,
W. A. SHANDS,
Chairman of Committee.

And Senate Bill No. 245, contained in the above report, was placed on the Calendar of Bills on second reading.

And Senate Bill No. 246, contained in the above report, was thereupon referred to the Committee on Appropriations under joint reference.

Senate Chamber
Tallahassee, Fla., April 24, 1941

Senator Price, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bill and recommend that the same pass.

Senate Bill No. 108:

A bill to be entitled An Act to create a State Board of Veterinary Examiners, to prescribe its powers and duties, to prescribe the qualification of the membership thereof, their compensation and term of office and providing for the giving of bond by the Treasurer thereof for the faithful performance of his duty; to define the practice of veterinary medicine and surgery in Florida; to vest in said Board the authority to examine diplomas and credentials and affidavits of applicants and to hold examinations for applicants; to issue and revoke licenses to practice veterinary medicine and surgery; to collect fees for licenses and examinations; to disburse said funds accruing to the Board from the collection of fees; to provide penalties for the violation of this Act, and providing when this Act shall become effective.

Very respectfully,
HUBERT A. PRICE,
Chairman of Committee.

And Senate Bill No. 108, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber
Tallahassee, Fla., April 24, 1941.

Senator Adams, Chairman of the Committee on Agriculture and Livestock, reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 140:

A bill to be entitled An Act to amend Section 12 of Chapter 17808, Laws of Florida, Acts of 1937, as amended by Section 2 of Chapter 19018, Laws of Florida, Acts of 1939, the same being An Act to promote the planting and production of Sea Island Cotton, and to provide protection for growers and producers thereof, and providing for the administration and enforcement of said Act, and making an annual appropriation for carrying out its provisions, and providing penalties and punishment for violation thereof.

Very respectfully,
R. S. ADAMS,
Chairman of Committee.

And Senate Bill No. 140, contained in the above report, was referred to the Committee on Appropriations under a joint reference.

Senate Chamber
Tallahassee, Fla., April 24, 1941.
Senator Adams, Chairman of the Committee on Agriculture

and Livestock, reported that the Committee had carefully considered the following bill and recommends that the same pass.

Senate Bill No. 253:

A bill to be entitled An Act to amend Section 1 of Chapter 13809, Laws of Florida, Acts of 1929, as Amended by Chapter 15860, Laws of Florida, Acts of 1933, relating to the creation of a Board of consisting of the Governor, the Commissioner of Agriculture, and the State Marketing Commissioner known as the State Agricultural Marketing Board, defining its duties and powers, and providing for carrying out the provisions thereof.

Very respectfully,
R. S. ADAMS,
Chairman of Committee.

And Senate Bill No. 253, contained in the above report, was placed on the Calendar of Bills on second reading.

Senate Chamber
Tallahassee, Fla., April 25, 1941.

Senator King, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following bill and recommends that the same pass, with Committee amendments:

Senate Bill No. 96:

A bill to be entitled An Act creating a Department of Labor, providing for the personnel; providing for appointment of the Secretary of Labor; defining the jurisdiction of said Department; providing for employment of assistants; providing for payment of salaries and expenses; providing for certain records and reports, and repealing all laws in conflict.

Which Amendments were as follows:

Senate Amendment No. 1:

In the title of said bill, in line 7, after the word "expenses," strike the semi-colon, and insert the following "and placing a limitation thereon";

Senate Amendment No. 2:

Add to Section 6 the following sentence: "Provided however that in no fiscal year shall a sum of more than Five Thousand (\$5,000) Dollars be expended under authority of this Act."

Senate Amendment No. 3:

In Section one, line two, strike the word "executive."

Senate Amendment No. 4:

Strike out all of Section five and insert in lieu thereof the following: "Section five: the Department of Labor shall have such jurisdiction over and shall administer and enforce the Labor Laws of the State of Florida as shall be prescribed by the Governor of the State of Florida."

Very respectfully,
HARRY E. KING,
Chairman of Committee.

And Senate Bill No. 96, contained in the above report, together with Committee Amendments thereto, were placed on the Calendar of Bills on second reading.

Senator King, Chairman of the Committee on Labor and Industry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 25, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Committee on Labor and Industry, to whom was referred:

Senate Bill No. 194:

A bill to be entitled An Act defining and regulating the practice of professional engineering in Florida and defining a professional engineer; providing for the registration of professional engineers; creating and establishing the Florida State Board of Engineer Examiners; providing for the appointment of members composing said Board; defining the qualifications of the members; granting certain powers and duties to said Board; providing for the expenses of said Board and for the organization and holding of meetings and for the keeping of records of said Board; defining violations of this Act and the penalties for such violations; providing procedure for determining violations and prescribing penalties therefor; defining and providing for exemptions from the provisions of this Act; providing as to engineers from other states

practicing professional engineering in Florida; providing for registration and examination fees and providing for and defining qualifications for registration; providing for the holding of examinations and the issuance of certificates of registration and for suspending and revoking certificates so issued; providing for appeal from the action of said Board; providing for receiving, accounting for, and disbursing monies by said Board; providing for the abolishment of the State Board of Engineering Examiners and the transfer of its property to and assumption of its obligations by the Florida State Board of Engineer Examiners; providing for the preservation of rights vested under the law existing prior to enactment of this law; and, save as necessary to preserve such rights, repealing all laws or parts of laws in conflict with this Act.

Have had the same under consideration, and recommend that the same pass.

Very respectfully,

HARRY E. KING,
Chairman of Committee.

And Senate Bill No. 194, contained in the above report, was placed on the Calendar of Bill on second reading.

Senator Adams, Chairman of the Committee on Agriculture and Livestock, submitted the following report:

Senate Chamber

Tallahassee, Fla., April 24, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Committee on Agriculture and Livestock, to whom was referred:

House Bill No. 27:

A bill to be entitled An Act to regulate the labeling, transportation, sale, and offering for sale, of agricultural and vegetable seeds; to prevent misrepresentations thereof; providing for the enforcement hereof and repealing Chapter 19364, Laws of Florida, Acts of 1939, and all laws in conflict herewith.

Have had the same under consideration and recommend that the same pass, with the following amendments:

Senate Amendment No. 1:

In Section 4 (2), lines 1 and 2, strike out the words "knowingly transport" and insert the following: In line 2 immediately following the second word "sale" and preceding the word "any" in the first paragraph of said Section 4 (a) insert the words "or knowingly transport."

Very respectfully,

R. S. ADAMS,
Chairman of Committee.

And House Bill No. 27, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Hinely, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 24, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Committee on Engrossed Bills, to whom was referred after third reading.

Committee Substitute for Senate Joint Resolution No. 28:

A Joint Resolution proposing an amendment to Article IV of the Constitution of the State of Florida relative to the Executive Department, by adding thereto an additional section to create a Game and Fresh Water Fish Commission.

Have carefully examined same, and find same correctly engrossed, and return same herewith.

Very respectfully,

S. A. HINELY,
Chairman of Committee.

And Committee Substitute for Senate Joint Resolution No. 28, contained in the above report, was certified to the House of Representatives.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 25, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 49:

A bill to be entitled An Act authorizing the payment to David M. Newell of the sum of \$17,896.00 for monies spent by him on preparing an "All Florida" motion picture on Florida attractions.

Also—

House Bill No. 72:

A bill entitled An Act to remove from the titles to real estate the clouds of unperformed Contract of Record.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber.

Tallahassee, Fla., April 25, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 401:

A bill to be entitled An Act relating to the salaries of the Judges of the Circuit Court of Counties having population of between seventy-eight thousand (78,000) and one hundred eighty thousand (180,000) inhabitants, according to the latest Federal or State census, and providing for a portion of such salaries to be paid from the General Revenue of such counties and making same a county purpose.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 25, 1941.

Hon. John R. Beacham,
President of the Senate,
Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 401:

A bill to be entitled An Act relating to the salaries of the Judges of the Circuit Court of Counties having population of between seventy-eight thousand (78,000) and one hundred eighty thousand (180,000) inhabitants, according to the latest

Senator
escort Dr.
torial Dis
Which v
The Pre
as the Cor
Senator
Honorable
Senatorial
Which w
The Pre
ham as the
Senator J
favorably b
placed on t

Federal or State census, and providing for a portion of such salaries to be paid from the General Revenue of such Counties and making same a County purpose.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

A. P. DRUMMOND,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 25, 1941.

Hon. John R. Beacham,
President of the Senate,

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 49:

A bill to be entitled An Act authorizing the payment to David M. Newell of the sum of \$17,896.00 for monies spent by him on preparing an "All Florida" motion picture on Florida attractions.

Also—

House Bill No. 72:

A bill to be entitled An Act to remove from the titles to real estate the clouds of unperformed contract of record.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

A. P. DRUMMOND,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Senator Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 24, 1941.

Hon. John R. Beacham,
President of the Senate,

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

House Memorial No. 3:

Memorializing Congress to consider locating munitions plants in the State of Florida.

Also—

House Bill No. 24:

A bill to be entitled An Act to authorize the filing, indexing and recording of certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States, decrees of adjudication in such proceedings, and orders approving bonds of trustees appointed in such proceedings; to make it the duty of the clerks of the circuit courts to file, index and record such copies; and to provide fees for such filing, indexing and recording.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

A. P. DRUMMOND,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Senator Price moved that a committee be appointed to escort Dr. W. C. Chowning, former Senator from the 28th Senatorial District to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Price, Butler and Perdue as the Committee.

Senator Kelly moved that a committee be appointed to escort Honorable James E. Calkins, former Senator from the 16th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Kelly, Lewis and Graham as the Committee.

Senator Butler moved that Senate Bill No. 35, reported unfavorably by the Committee on Miscellaneous Legislation, be placed on the Calendar of Bills on second reading.

Pending the motion made by Senator Butler, Senator Whitaker moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 4:00 o'clock P. M. Monday, April 28, 1941.

The question was put on the motion made by Senator Whitaker.

Which was agreed to by a two-thirds vote and it was so ordered.

The question recurred on the adoption of the motion made by Senator Butler.

Pending adoption of the motion made by Senator Butler, Senator Ward moved that the rules be waived and the hour of adjournment be extended until final disposition of the motion made by Senator Butler.

Which was agreed to by a two-thirds vote and it was so ordered.

The question recurred on the adoption of the motion made by Senator Butler.

Upon which a roll call was demanded.

Upon call of the roll on the adoption of the motion made by Senator Butler that Senate Bill No. 35, reported unfavorably by the Committee on Miscellaneous Legislation, be placed on the Calendar of Bills on second reading, the roll was called and the vote was:

Yeas—Senators Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Dye, Folks, Graham, Hinely, Horne, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Rose, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Wilson—30.

Nays—Mr. President; Senators Adams (25th), Drummond, Gideons, Housholder, Johnson, Price, Whitaker—8.

Which was agreed to and it was so ordered.

The following explanation of vote on the motion made by Senator Butler was filed with the Secretary.

I vote "Aye" to waive the rules and put this bill on the Calendar so as to permit this question which has had so much discussion to be disposed of by the Senate as a whole. I do not believe that the Bill will accomplish what the proponents claim, nor am I certain that this Bill will not jeopardize the only State tax money that we know the counties can legally get. I hope that the good people of this state and of the small counties have not made a mistake by endorsing this program, nor, in following their mandate.

Very respectfully,

R. C. HORNE,

Senator from the 10th District.

Senator Parker moved that the rules be waived and the Senate take up and consider Senate Bill No. 35, out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 35:

A bill to be entitled An Act relating to Pari-Mutuel Pools, commissions thereon, the distributions thereof, the "breaks" and defining same, regulating the purchase and sale of an interest in any such pool, making it a crime to violate such regulations and amending Section 16 of Chapter 14832 Laws of Florida, Acts of 1931, as amended by Section 10 of Chapter 17276, Laws of Florida, Acts of 1935, relative thereto; and levying a tax upon every licensee conducting a horse race meet, or operating a race track equal to five per centum of the total contributions to all pari-mutuel pools on horse races in addition to all other taxes otherwise levied or assessed; and providing when and where said taxes shall be paid, making an appropriation thereof and designating said tax as the "old age assistance tax," and providing a penalty for wilful or wanton non-payment of tax.

Was taken up.

Senator Parker moved that the rules be further waived and Senator Bill No. 35 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 35 was read the second time by title only.

Senator Collins moved that the rules be waived and the hour of adjournment be further extended until the final disposition of Senate Bill No. 35.

Which was agreed to by a two-thirds vote and it was so ordered.

Senators Kanner, Parker and Cooley offered the following amendment to Senate Bill No. 35:

Section 4, after the word "cause" in the last line thereof

strike period and add the following "except as provided in Section 2 hereof."

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Kanner, Parker and Cooley also offered the following amendment to Senate Bill No. 35:

In Section 2 at the end of said section insert an additional paragraph:

Provided that in the event the tax equal to three per centum of the total contributions to all pari-mutuel pools conducted or made on any and every horse race as provided by law, distributed equally to the sixty-seven counties of this state, produces during any full and complete racing season authorized by law, less than the total amount from said source distributed to the said counties during the racing season 1940-41, such deficiency and no more shall be paid into said fund created by the said three per centum tax as aforesaid for distribution to the sixty-seven counties of this state according to law, from and out of the additional tax equal in the amount to five per centum on all pari-mutuel pools at horse race meets as herein levied and designated for "Old Age Assistance Tax Fund," and the balance of said additional tax of five per centum shall be paid into said "Old Age Assistance Tax Fund" as herein provided, and for the purposes set forth.

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Kanner, Parker and Cooley also offered the following amendment to Senate Bill No. 35:

After Section 7 insert an additional section "7A—The provisions of this Act shall be and remain in full force and effect until July 1st, 1943."

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Kanner, Parker and Cooley also offered the following amendment to Senate Bill No. 35:

In the Title after the words: "Old Age Assistance Tax" insert the following:

"And providing deductions from said tax to be paid in equal amounts to the counties of this State, according to law, should the amounts payable to said counties from horse race meets be less than the total amount distributed to the said counties therefrom in the racing season, 1940-41, and limiting the force and effect of this Act until July 1st, 1943."

Senator Kanner moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parker moved that the rules be further waived and Senate Bill No. 35, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 35, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 35, as amended, the roll was called and the vote was:

Yeas—Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Dye, Folks, Graham, Hinely, Horne, Housholder, Johnson, Kanner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Parker, Perdue, Rose, Shands, Shepherd, Shuler, Smith, Taylor, Ward, Whitaker, Wilson—34.

Nays—Mr. President; Senator Drummond, Gideons, Price—4.

So Senate Bill No. 35 passed, as amended, and was referred to the Committee on Engrossed Bills.

The following explanations of vote were filed with the Secretary:

I vote "Aye" on this bill but I do not believe that the bill

will accomplish what the proponents claim by providing any substantial relief to the old people, nor am I certain that this bill will not jeopardize the only State tax money that we know the counties can legally get. I hope that the good people of this State and of the small counties have not made a mistake by endorsing this program.

(Signed) PAT WHITAKER.

I do not think this tax bill will raise the money for the aged that the proponents say it will, but rather, will reduce the present income now going to counties of the State. Further, that this increase in tax will not only reduce the revenue now received but will also lower the quality of racing now enjoyed in Florida. I am of the opinion that the aged should have a more definite, sure and adequate source of revenue than this bill provides. Further, this bill precludes the possibility of re-opening Gulf Stream track located in Broward County, which track owes my people there about one and one-half million dollars.

(Signed) JNO. R. BEACHAM

I am voting against Senate Bill No. 35 for the following reasons:

1st—It is consistent with the position taken by me during the campaign in which I was given the right to cast this vote.

2nd—Based upon the facts as I have heretofore understood them, together with the evidence presented before the Committee having this measure under study, I believe the following to be proper conclusions:

a—That this measure will not yield for the aged people of our State the revenue predicted; that such revenue may be furnished are highly speculative.

b—Although a provision appears to protect the small counties share of funds, there is a possibility of this being not an absolute protection.

c—I feel that certain funds should be given the aged people of Florida and not some uncertain amount.

3rd—This is the only source under the Constitution of Florida by which State collected revenue might be returned to the various counties of the State, and I am not at this time ready to close the avenue in this direction.

(Signed) A. P. DRUMMOND

I vote "Yea" on the bill on final passage, because I feel no other bill will be passed giving immediate relief and definite certain income which I favor.

(Signed) ERNEST HOUSHOLDER

Senator Cliett moved that Senate Bill No. 130 be recalled from the Committee on Citrus Fruits and placed on the Calendar of Bills on second reading.

Which was agreed to and it was so ordered.

By unanimous consent Senator Cliett withdrew Senate Bill No. 130.

Senator Shands moved that Senate Bill No. 278 be recalled from the Committee on State Institutions and referred to the Committee on Appropriations.

Which was agreed to and it was so ordered.

Senator Johnson moved that the Senate reconsider the vote by which Committee Substitute for Senate Joint Resolution No. 28 passed the Senate on April 24, 1941.

And the motion went over under the rule.

Senator Kelly moved that Senate Bill No. 220, now on the Calendar of Bills on second reading, be re-committed to the Committee on Cities and Towns.

Which was agreed to and it was so ordered.

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:05 o'clock P. M., until 4:00 o'clock P. M., Monday, April 28, 1941.

TI
Journ
TH
Th
their
Mr
Butle
Gidec
ner,
Price,
aker,
A q
Fra
House
lain v